

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DONALD W. McLAUGHLIN,)	
)	
Plaintiff,)	Case No. 3:09-0040
)	Judge Campbell/Bryant
v.)	
)	
LITE TOUCH AUTO WASH,)	
)	
Defendant.)	

TO: The Honorable Todd J. Campbell

REPORT AND RECOMMENDATION

Defendant has filed its Motion To Dismiss For Failure To Prosecute (Docket Entry No. 32). As grounds for this motion, defendant asserts that plaintiff has failed to respond to written discovery served in March and April 2009, and that plaintiff has, in general, failed to prosecute this case.

After plaintiff failed to respond in opposition to defendant's motion, the Court on March 1, 2010, entered an order to show cause requiring the plaintiff to show cause on or before March 17, 2010, why his complaint should not be dismissed for his failure to participate in discovery and to prosecute the case (Docket Entry No. 33). This order admonished the plaintiff that his failure to respond may cause the undersigned Magistrate Judge to recommend that the complaint be dismissed.

Despite this order and admonition, plaintiff has failed to respond. The undersigned Magistrate Judge, therefore, finds that plaintiff's complaint should be dismissed, pursuant to Rule

41(b), Federal Rules of Civil Procedure.

RECOMMENDATION

For the reasons stated above, the undersigned Magistrate Judge **RECOMMENDS** that defendant's Motion To Dismiss For Failure To Prosecute be **GRANTED**, and that the complaint be **DISMISSED**.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days from service of this Report and Recommendation in which to file any written objections to this Recommendation, with the District Court. Any party opposing said objections shall have fourteen (14) days from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within fourteen (14) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986).

ENTERED this 1st day of April 2010.

s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge